

CITY OF MIAMI BEACH
Office of the City Manager
Letter to Commission No. 110-2004



To: Mayor David Dermer and
Members of the City Commission

Date: May 10, 2004

From: Jorge M. Gonzalez
City Manager

A handwritten signature of Jorge M. Gonzalez.

**Subject: UPDATE ON ISSUES RAISED AT THE MARCH 22, 2004 MAYOR ON THE
MOVE MEETING IN SOUTH BEACH**

The purpose of this Letter to the Commission is to provide an update regarding steps the Administration has taken to address specific issues that were raised at the March 22, 2004 Mayor on the Move meeting held for residents of the South Beach area.

These initiatives are in addition to the efforts we have been working on to deal with improving the quality of life for all residents of Miami Beach. All City Departments, in particular Police, Public Works, and Neighborhood Services, continue to focus their resources on strictly enforcing laws and ordinances intended to preserve the quality of life expected by residents and visitors.

Police

The Police Department has undertaken a number of educational and enforcement initiatives in the South Beach area to address specific issues raised at the March 22 Mayor on the Move meeting, including:

- Assigned additional officers to monitor the distribution of flyers/hand-outs in the entertainment district;
- Police staff met with representatives of the following nightclubs to personally explain the noise ordinance: Penrods, Joia Restaurant, Nemo Restaurant, Prime 112 Restaurant, Big Pink Restaurant, and Opium Gardens;
- Met with the Parking Department to review valet operations and to add additional cab stands throughout the area;
- Assigned ten (10) officers to attend "code enforcement" training;
- Working on a plan to address traffic congestion that will incorporate the use of variable message signs (VMS) and other options;
- Working with the City Attorney's Office to expand the number of ordinances that Police can write a civil citation for. These include: drinking in public; noise violations, littering, pooper scooper, unleashed dogs, and consumption of alcohol by minors;
- Opening the RDA Police Substation (office) within the next 30-60 days on 2nd and Collins Avenue (next to Opium Gardens);
- The community policing initiative is underway, with the staffing of the 15 additional RDA police officers expected to be filled by June 30, 2004.

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- Several steps have been taken by the Off-Duty Office during the past 45 days pertaining to off duty employment at nightclubs, including the following:
 - Memo was distributed to all nightclub job coordinators detailing the section of the operating procedures which lists the duties and responsibilities of off duty officers working nightclubs, as well as coordinator responsibilities;
 - The Off-Duty Office is currently updating the duties and responsibilities for all permanent off duty job files;
 - A presentation was made to the Nightlife Industry Task Force (NITE) about alcoholic beverages needing to remain within club premises;
 - The Off-Duty Office supervisors have conducted bi-weekly nightclub checks to ensure compliance of all ordinances and regulations.

Code Compliance

The Code Compliance Division has restructured and refocused their activities to enhance their response to quality of life concerns, including:

- Added night time enforcement staff on Monday, Tuesday and Wednesday from 10:00 p.m. to 3:00 a.m. to provide coverage previously not available;
- Initiated more proactive quality of life enforcement efforts that have resulted in; 54 noise citations, 39 sidewalk cleanliness citations, 39 general sanitation citations, 9 under 21 drinking violations and 64 property maintenance citations for items such as graffiti, and unsightly property exteriors;
- Developed an ordinance to define habitual conduct for purposes of occupational license suspension and revocation hearings, which will allow this enforcement tool to be used once again;
- Will complete in the next 30 days a significant backlog of case processing so that citations are more expeditiously addressed;
- The City has recently determined to close 11 special master cases with Opium dating back more than a year. The manner in which the original citations were issued made continued prosecution unproductive through the special master. The action should enable other litigation brought by Opium and pending in State Court to be resolved. The Federal Court case challenging the constitutionality of the noise ordinance is proceeding. The City is referring to Special Master a recent noise violation from Opium for adjudication. In addition, a hearing to determine if Opium's occupational license should be suspended for repeat Fire violations is being scheduled with the City's designee, Judge Robert Newman.

Public Works/Sanitation

In the area south of 5th Street, the Public Works Department and Sanitation Division have:

- Increased from one time per week to six times per week litter control on streets and sidewalks and have included swales and medians;
- Added litter cans to needed areas;
- Modified the Right of Way permits issued to contractors to include a requirement that the contractor provide litter control around the construction site;
- Initiated better coordination with Code Compliance to control and respond to litter and debris in alleys;
- Made provisions to add a pressure cleaning crew to enhance this service;
- Created new cross walk areas and repainted many stop bars to enhance pedestrian safety.

Parking

The Parking Department initiated and is operating a twelve (12) metered parking lot on a City parcel located at 78 Washington Avenue in a continuing effort to increase parking inventory to the area. In addition, two illegal parking lot operations were shut down at 100 Ocean Drive and 120 Ocean Drive within the last thirty (30) days.

Special Events

As we have in the past, special events permits have been issued on a very limited basis, and only after receiving neighborhood input and a favorable recommendation from the affected residents. Any special event permits issued take into account the residents of the affected area(s) and tries to ensure that the event will have no adverse impact to the residents or the neighborhoods.

Planning and Zoning Ordinances

An ordinance eliminating dance halls and entertainment establishments in certain districts (South Pointe and Sunset Harbour areas) was adopted at the May 5, 2004 City Commission meeting with a referral to the Planning Board.

In order to prepare for the Planning Board meeting, staff has been gathering data and surveying other cities to see what their hours of liquor sales are and other license procedures. Additionally, staff has already met with area residents and industry representatives, including Frank Del Vecchio, Morris Sunshine, Gary Knight, Charlie Hines, David Wallack, and Stuart Blumberg, to further discuss issues of mutual concern and together improving the situation.

Conclusion

I myself have met with numerous residents and representatives from the nightclubs and hotels to ensure that we address all issues that affect the quality of life for our residents and visitors. I am working with staff to ensure that the Administration continues to aggressively target conditions which directly affect many of the City's residents and visitors and will continue to refine internal processes, redirect resources and develop feedback systems to evaluate ongoing operations and their capability to make a positive impact on all quality of life issues.

If you have any questions or need any additional information, please feel free to contact me.

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c: Executive Staff

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